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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,509	10/03/2003	Ian Boddy	71486-0057	2508
20915	7590	07/26/2005	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,509	Applicant(s) BODDY ET AL.	
	Examiner Lee Y Quach	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-19, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 8-10 and 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/3/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION***Drawings***

1. The drawing figures 8 and 9 are objected to because the reference numeral “308” is pointing at an incorrect location. Note that reference numeral “308” is a chromic element disposed between the reflective element carrier 20 and the reflective element 22 as set forth on lines 18 to 19 of paragraph 0045.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs “42” and “44” as mentioned on lines 3 to 4 of paragraph 0032 in the description.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: Paragraph 0034, line 5, the reference numeral “18” is incorrect and should be changed to --30-- in view of drawing figure 3 and line 13 of the same paragraph. Paragraph 0041, lines 10 and 12 and paragraph 0043, line 1, the reference numeral “308” is inaccurate and should be changed to --302-- in view of the “light element 302” on line 8 of paragraph 0041. Appropriate correction is required.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 to 6, 11 to 18, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kayama in view of Pastrick et al. (6,299,333, prior art cited by applicant).

Kayama discloses a vehicular mirror system comprising a motor vehicle (column 3, line 27), a mirror housing (11) mounted on the vehicle, an outwardly facing reflective element (10), a tilt actuator assembly comprising an actuator (12) for adjusting (column 3, lines 35 to 36) the position of the reflective element, the reflective element mounted to a plate (figures 1, 3, 5 and 7) by the actuator, a light source (2) comprising at least one light emitting diode (column 5, line 40) mounted within the mirror housing having a translucent portion (column 5, line 66) to transmit light from the light source to the exterior of the mirror housing, the mirror housing comprising at least one optic region (14) having different light transmission properties (column 3, lines 41 to 42) than the remainder of the mirror housing, and the light source comprising a directional light element (22, column 3, lines 60 to 61) adapted to focus light in preselected direction (column 3, line 65). However, Kayama does not specifically disclose that the tilt actuator assembly provided with a mounting bracket having a proximal end and a distal end.

Pastrick et al. teach a vehicular mirror system having a tilt actuator assembly provided with a reflective element mounted to a bracket (43), obviously including a proximal end and a distal end, by an actuator (42) for adjusting the position of the reflective element.

It would have been obvious to one skilled in the art to modify the plate of the tilt actuator assembly of Kayama with a bracket, as shown by Pastrick et al., since both references are directed to a vehicular mirror adjusting system for adjusting the position of the reflective element.

With regards to claims 2 and 14, it is old and well known that incandescent, fluorescent and light emitting diode light sources are interchangeable and can also be used in combination.

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It would have been obvious to one skilled in the art to which the subject matter pertains to use the incandescent light bulb in place of the light source of Kayama to enhance the light intensity.

With regards to claims 4, 5, 12, 16, 17 and 24, the locations where the light source mounted would have been obvious to one skilled in the art, since applicant has not disclosed that having the light source mounted at this specific location solves any stated problem or is for any particular unexpected and unobvious purpose and it appears that the light source of Kayama mounted to the plate or any desired location within the mirror housing would perform equally well to illuminate the mirror housing for improving the visibility of the mirror housing to enhance safety.

6. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kayama in view of Pastrick et al. (6,299,333, prior art cited by applicant), as applied to claims 6 and 18 above, and further in view of Anders.

Kayama as modified by Pastrick et al. discloses the invention substantially as claimed with the exception of having a light pipe for directing light from the light source to the at least one optic region.

Anders teaches at least one light pipe (9) for directing light from the light source to the at least one optic region (5) so that the light source can be at a location anywhere in the mirror housing independent of the optical region thereby optimally utilizing the available space (column 2, lines 2 to 7).

It would have been obvious to one skilled in the art to provide the mirror housing of Kayama with a light pipe, as shown by Anders, for directing light from the light source to the optic region so that the light source can be at a location anywhere in the mirror housing independent of the optic region thereby optimally utilizing the available space.

7. Claims 8 to 10 and 20 to 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Berg and Taylor are cited to show other pertinent vehicular mirror and lighting systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
July 14, 2005



Y Quach Lee
Patent Examiner
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